REMARKS

The Examiner's action of March 30, 2009, in which the claims are now finally rejected as being obvious over the Schoenberg, Chaco et al. and Zak et al. references.

Applicant has provided an amendment to Claim 1 to make sure that every limitation in the preamble is included in the body of the claim. The Examiner is now asked to acknowledge the limitations originally provided in the preamble and now recited in Claim 1; and give weight to the claim limitations which heretofore was not done.

Nowhere in Schoenberg is shown the claimed system in which a requestor system is in a PDA or wireless device; and more importantly is at a site at which emergency assistance is being performed, with the global database and the server being remote therefrom.

Regardless, it is not obvious to combine the Zak et al. reference with Schoenberg because Zak et al. do not provide communications to a global database, and do not provide information from a global database to a remote location. Moreover, Zak et al. do not teach an access code carried by a patient, much less an access code entry device.

In short, in Zak et al. all the data is contained in the handset, with no data going to and from a global database or to and from the handset. The only data going into the handset database is entered at the emergency site by the emergency technician.

Further, the Examiner says that both Chaco et al. and Schoenberg both fail to explicitly teach uploading and downloading to and from a global database. The Examiner sites Zak et al. to supply this teaching. However, as mentioned above, Zak et

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al. does not teach supplying anything from a global database because there is in fact no global database in Zak et al.

It is therefore Applicant's contention that the claimed subject matter is not shown or taught in the combined references and therefore a 35USC103 rejection will not lie.

<u>Rule 131 Affidavits</u>

Applicant has provided a number of Rule 131 Affidavits which the Examiner rejects as failing to show an actual reduction to practice of the claimed invention.

Let us simplify the discussion. While it is Applicant's contention that Claim 1 was actually reduced to practice, there can be absolutely no question that Claim 10 was actually reduced to practice.

First, Claim 10 calls for a method of providing patient histories to a remote site at which there is a patient in need of medical attention in which:

1)   patient histories in a global database are coupled to the Internet by a server; and,

2)   a predetermined patient history is wirelessly accessed over the Internet from a wireless terminal at the remote site and patient information is wirelessly uploaded from this remote site.

Element 1) of the claim is unequivocally shown in Appendix B to the Third Supplemental Rule 131 Declaration in which a computer, namely a Compaq Presario running Windows 98, was connected to the internet as witnessed by Samir Tahan. Note the screen shot labeled "Netscape Communicator" establishes that an internet connection was used.

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Note also in Appendix B that a patient record, namely that of Gene Montique, resided at the global server (Compaq Presario). While not recited in Claim 10, note that the server was accessed by a patient ID.

Element 2) of the claim is unequivocally shown in Appendix C to the above Rule 131 Affidavit. Appendix C shows a Palm Pilot which is a wireless device onto which patient information was downloaded from the server and from which information relating to the patient was uploaded to the server.

Thus, Applicant has mapped every single element of Claim 10 to the actual reduction to practice established by the Third Supplemental Rule 131 Affidavit.

Not only was this system demonstrated to Samir Tahan, it was also demonstrated to Alexandra Dunn who opined that is was "apparent to me that the system worked to provide useful information to EMT's or others at the scene of an accident to assist in patient treatment."
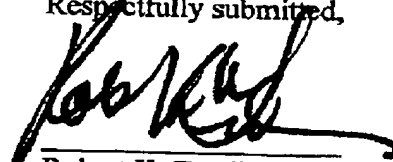
If nothing else, from the above it will be seen that at least Claim 10 had all of its elements actually reduced to practice as witnessed by two individuals.

Moreover, since Appendix B above shows the entry of an access code into the Palm Pilot, it is Applicant's position that all the elements of Claim 1 have also been actually reduced to practice.

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Removal of the Schoenberg and Zak et al. references, allowance of the claims and issuance of the case is therefore earnestly solicited. Alternatively, entry of this Amendment for purposes of appeal is requested.

Respectfully submitted,

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